

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 5137 OF 2003

VIVEK VASANTRAO SURYAWANSHI .. PETITIONER

Versus

SAU.VARSHA VIVEK SURYANSHI & ORS. RESPONDENTS

Mr. P. N. Joshi for petitioner
Mr. Ghadge for A. S. Desai for respondent 1
Mr. M. H. Solkar, AGP

CORAM:-SMT. RANJANA DESAI, J.

DATED:- 31/3/2006

P.C.

. Petitioner has challenged in this writ petition order dated 27/3/03 passed by respondent 2, the Deputy Registrar Co-operative Societies, Nasik under Section 25-A of the Maharashtra Co-operative Societies Act, 1960 ("the said Act" for short).

2. By the said order the Deputy Registrar has directed that the membership of the petitioner in respondent 4 society should be cancelled.

3. I have heard learned counsel for the petitioner and the learned counsel for respondents 1 to 3.

Respondent 4 has been served. However, nobody is representing respondent 4.

4. The grievance made by the learned counsel for the petitioner is that the order dated 27/3/03 has been passed without hearing the petitioner. The grievance appears to be genuine. The petitioner ought to have been given a hearing but in the circumstances of the case it is not necessary to deal with this grievance of the petitioner for the simple reason that admittedly respondent 1 has filed a dispute under Section 91 of the said Act. In view of filing of the dispute it would be proper to set aside the impugned order, which in any case has been passed without hearing the petitioner. All contentions of both sides could always be agitated in the pending dispute. Hence the following order:

. The impugned order dated 27/3/03 is quashed and set aside. It is made clear that this court has not expressed any opinion on the merits of the case. All contentions of both sides are kept open and can be raised in the pending dispute filed under Section 91 of the said Act by respondent 1. Petition is disposed of.

(SMT. RANJANA DESAI, J.)